

**MASSAGE THERAPY AND BODYWORK THERAPY
AFFILIATED CREDENTIALING BOARD
MEETING MINUTES
AUGUST 21, 2012**

PRESENT: John Anderson, Elizabeth Krizenesky, Carole Ostendorf, Cindy Spitz, Wendy Wettengel-Perrigoue (Live Meeting), Barbara Yetter

STAFF: Mojgan Hall, Executive Director; Sandy Nowack, Legal Counsel; Karen Rude-Evans, Bureau Assistant; Shawn Leatherwood, Paralegal

CALL TO ORDER

Elizabeth Krizenesky called the meeting to order at 9:00 a.m. A quorum of six (6) members was confirmed.

ADOPTION OF AGENDA

Amendments:

- Item H14 (open session) – FSBMT ANNUAL MEETING REPORT, is deleted from the agenda
- Item H17b (open session) – LEGISLATION/ADMINISTRATIVE RULE MATTERS – Draft of Proposed Rules to Reflect Changes to SPS Chs. 90-94 Pursuant to the Passage of 2009 WI Act 355, insert additional information after page 38
- Case Status Report – insert at the end of closed session

MOTION: Barbara Yetter moved, seconded by Carole Ostendorf, to adopt the agenda as amended. Motion carried unanimously.

APPROVAL OF MINUTES – JANUARY 31, 2012

MOTION: Carole Ostendorf moved, seconded by John Anderson, to approve the minutes of January 31, 2012 as written. Motion carried unanimously.

BOARD DISCUSSION ITEMS

Legislation/Administrative Rules Matters

Draft of Proposed Rules to Reflect Changes to SPS Chs. 90-94 Pursuant to Passage of 2009 WI Act 355

- MOTION:** John Anderson moved, seconded by Carole Ostendorf, in the definition of client, to retain the language pertaining to minors in the proposed draft. Motion carried unanimously.
- MOTION:** Carole Ostendorf moved, seconded by Cindy Spitz, to retain the draft language expressed in informed consent concerning chaperones. Motion carried unanimously.
- MOTION:** Barbara Yetter moved, seconded by Carole Ostendorf, to define intimate parts as has the meaning given in § 939.22(19). Motion carried unanimously.
- MOTION:** Carole Ostendorf moved, seconded by John Anderson, to accept the minimum CE hours per biennium as twenty four (24). Motion carried unanimously.
- MOTION:** Barbara Yetter moved, seconded by Cindy Spitz, to have DSPS staff develop a FAQ regarding continuing education. Motion carried unanimously.
- MOTION:** Elizabeth Krizenesky moved, seconded by Cindy Spitz, to require two (2) CE hours to be in ethics. Motion carried 4 to 2.
- MOTION:** Barbara Yetter moved, seconded by Wendy Wettengel-Perrigou, that the remaining 22 CE hours are unspecified as long as they concern topics within the scope of practice of massage therapy and bodywork therapy or relevant to business practices. Motion carried unanimously.

MOTION: Cindy Spitzza moved, seconded by Carole Ostendorf, to designate as approved sources of CE institutions of higher education, approved MTBT programs and schools and professional organizations that address the improvement of the professions (NCCAOM, NCBTMB, The Federation of State Massage Therapy Boards). Motion carried unanimously.

MOTION: Elizabeth Krizenesky moved, seconded by Barbara Yetter, to authorize DSPS staff to begin the process of rule drafting and scope statement on unprofessional conduct chapter. Motion carried unanimously.

MOTION: Elizabeth Krizenesky moved, seconded by Cindy Spitzza, to delegate John Anderson to work with DSPS staff on rules projects. Motion carried unanimously.

RECESS TO CLOSED SESSION

MOTION: Barbara Yetter moved, seconded by Carole Ostendorf, to convene to closed session to deliberate on cases following hearing (Wis. Stat. § 19.85 (1) (a)); consider closing disciplinary investigation(s) with administrative warning(s) (Wis. Stat. § 19.85 (1) (b), and Wis. Stat. § 440.205); consider individual histories or disciplinary data (Wis. Stat. § 19.85 (1) (f)); and to confer with legal counsel (Wis. Stat. § 19.85 (1) (g)). Roll call: John Anderson-yes; Elizabeth Krizenesky-yes; Carole Ostendorf-yes; Cindy Spitzza-yes; Wendy Wettengel-Perrigoue-yes; Barbara Yetter-yes. Motion carried unanimously.

Open session recessed at 12:22 p.m.

RECONVENE IN OPEN SESSION

MOTION: Cindy Spitzza moved, seconded by John Anderson, to reconvene in open session. Motion carried unanimously.

Open session reconvened at 1:11 p.m.

ITEMS VOTED ON DURING CLOSED SESSION

All motions made in close session were reaffirmed.

PROPOSED STIPULATIONS, FINAL DECISIONS AND ORDERS

MOTION: Carole Ostendorf moved, seconded by Cindy Spitz, to adopt the Findings of Fact, Conclusions of Law, Final Decision and Order in the disciplinary proceedings against **Yan Ling Romanek (11 MTB 001)**. Motion carried unanimously.

MOTION: Wendy Wettengel-Perrigou moved, seconded by Barbara Yetter, to adopt the Findings of Fact, Conclusions of Law, Final Decision and Order in the disciplinary proceedings against **Scott K. Jordan (10 MTB 006)**. Motion carried unanimously.

PROPOSED ADMINISTRATIVE WARNING

MOTION: Carole Ostendorf moved, seconded by Cindy Spitz, to issue the Administrative Warning in case **11 MTB 013**. Motion carried. Elizabeth Krizenesky opposed.

PROPOSED DECISION AND ORDER

MOTION: Barbara Yetter moved, seconded by John Anderson, to adopt the Final Decision and Order in the disciplinary proceedings against **Joao L. Fraser (11 MTB 003 and 11 MTB 010/ DHA Case No. SPS-11-0084)**. Motion carried unanimously.

CASE CLOSINGS

MOTION: Barbara Yetter moved, seconded by Wendy Wettengel-Perrigou, to close case **12 MTB 002 for compliance gained**. Motion carried unanimously.

MOTION: Barbara Yetter moved, seconded by John Anderson, to close case **12 MTB 007 for lack of jurisdiction**. Motion carried unanimously.

MOTION: Barbara Yetter moved, seconded by Cindy Spitz, to close case **11 MTB 014 for prosecutorial discretion (P7)**. Motion carried unanimously.

ADJOURNMENT

MOTION: Carole Ostendorf moved, seconded by Cindy Spitz, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 1:13 p.m.